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Attorneys for Federal Defendants

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA (Oakland)

16 CENTER FOR BIOLOGICAL
17 DIVERSITY, ET AL.,

18 Plaintiffs,

19 vs.

20 DAVID BERNHARDT, ET AL.,

21 Federal Defendants.
22

Case. No. 4:19-cv-05206-JST

**STIPULATED ADMINISTRATIVE
MOTION TO EXCEED PAGE
LIMITATIONS, BRIEFING
SCHEDULE, AND PROPOSED
ORDER**

24 Pursuant to Local Civil Rules 7-11 and 7-12, the parties stipulate to allow
25 Federal Defendants to file a brief in support of their motion to dismiss that exceeds
26 the page limit provided in Local Civil Rule 7-4(b) by no more than five (5) additional
27 pages. The parties also stipulate to a briefing schedule for Federal Defendants'
28

1 motion. The parties stipulate to these variances from Local Rules for the following
2 reasons:

3
4 1. This Court has related three cases that challenge the U.S. Fish and
5 Wildlife Service (“FWS”) and National Marine Fisheries Service (“NMFS”)
6 regulations implementing the Endangered Species Act (“ESA”): *Center for Biological*
7 *Diversity v. Bernhardt*, 19-cv-5206 (N.D. Cal. Aug. 21, 2019); *California v.*
8 *Bernhardt*, 19-cv-6013 (N.D. Cal., Sept. 25, 2019); *Animal Legal Def. Fund v.*
9 *Bernhardt*, 19-cv-06812 (N.D. Cal., Oct. 21, 2019).

10
11
12 2. Federal Defendants’ responses to the complaints in *Center for Biological*
13 *Diversity* and *California* are due on December 6, 2019. *See* ECF 22. Federal
14 Defendants’ response to the complaint in *Animal Legal Def. Fund* is not due until
15 January 3, 2020, but they intend to also respond to that complaint on December 6,
16 2019. Federal Defendants’ responses will likely be motions to dismiss the three
17 related complaints under Fed. R. Civ. P. Rule 12.
18
19

20 3. Instead of filing three motions with separate memoranda, which could
21 total 75 pages under Local Civil Rule 7-4(b), Federal Defendants seek to consolidate
22 their arguments into one memorandum for all three cases.
23

24 4. In order to address all three complaints in one consolidated memorandum,
25 the parties stipulate to allowing Federal Defendants five (5) additional pages than
26 otherwise provided under the Local Rule for a total of no more than 30 pages.
27
28

1 5. In addition, briefing on the motion to dismiss will occur near and over the
2 holidays making review with the clients difficult. Thus, the parties stipulate to the
3 briefing schedule outlined below.
4

5 6. The parties stipulates as follows:
6

7 a. Federal Defendants' motion to dismiss may exceed the page limit
8 set forth by Local Civil Rule 7-4(b) by up to five additional pages with their motion
9 to dismiss.
10

11 b. Plaintiffs' opposition to Federal Defendants' motion to dismiss is
12 due no later than January 7, 2020.
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14 c. Federal Defendants' reply in support of the motion to dismiss is due
15 no later than January 24, 2020.
16

17
18 DATED: December 3, 2019.
19

20 Respectfully submitted,

21 JEAN E. WILLIAMS,
22 Deputy Assistant Attorney General
23 SETH M. BARSKY, Chief
24 MEREDITH L. FLAX, Assistant Chief

25 /s/ Coby Howell.

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* In compliance with Civil Local Rule 5-1(i), the filer of this document attests that all signatories listed have concurred in the filing of this document.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated _____:

The Honorable John S. Tigar

U.S. District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Coby Howell
COBY HOWELL, Senior Attorney